IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**Case No. 10-00093-01-CR-W-GAF**
	)	
DIAMOND D. BLAIR,	)	
	)	
Defendant.	)	

ORDER

Now before the Court is Defendant Diamond Blair's ("Defendant") Motion to Strike Evidence. (Doc. # 183). Specifically, Defendant seeks to suppress recorded phone call evidence obtained from a phone call placed by Defendant on July 17, 2009, at the Western Reception Diagnostic Correctional Center in St. Joseph, Missouri, after Defendant was taken into custody for a parole violation following a July 5, 2009, traffic stop. (*See* Docs. ## 183, 291, 304). Defendant asserts the recorded evidence should be suppressed because (1) he did not have counsel present during the recorded phone calls, and (2) he should have been advised of his *Miranda* rights before the calls were recorded. (*See id.*).

On April 6, 2010, a grand jury indictment was returned charging Defendant with being a felon in possession of a firearm. (Doc. # 1). On June 7, 2011, Defendant filed this Motion. (Doc. # 183). Subsequently, on June 22, 2011; July 26, 2011; and August 11, 2011, United States Chief Magistrate Judge Robert E. Larsen conducted evidentiary hearings regarding Defendant's Motion. (Doc. # 291, p. 2).

On November 3, 2011, Chief Magistrate Judge Larsen issued his Report and Recommendation ("Report and Recommendation") regarding Defendant's Motion. (Doc. # 291). Defendant ostensibly filed his objections to the aforementioned Report and Recommendation, stylized as a motion to appeal, on November 10, 2011. (*See* Doc. # 304).

Upon careful and independent review of the pending Motion, Defendant's objections to the Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Chief Magistrate Judge Robert E. Larsen. (*See* Doc. # 291). Accordingly, it is

ORDERED Defendant's Motion to Strike Evidence (Doc. # 183) is DENIED.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: November 21, 2011